

Notice of Allowability

Application No.

10/657,863

Applicant(s)

DOERR, CHRISTOPHER
RICHARD

Examiner

Jennifer Doan

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 7/28/06.
2. ☒ The allowed claim(s) is/are 1-4,6-17,19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

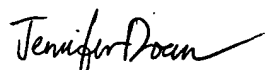
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


JENNIFER DOAN
PRIMARY EXAMINER

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

Response to Amendment

1. Applicant's amendment filed on July 28, 2006 has been fully considered and entered.

Reasons for Allowance

2. Claims 1-4, 6-17 and 19 are allowed.
3. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to disclose or reasonably suggest all the limitations recited in claim 1. Specifically, the prior art of record fails to disclose an optical monitor comprising a tunable filter for filtering a tapped portion of an optical signal at a predetermined tuning frequency to provide thereby a first filtered optical signal and a control unit for scanning the tuning frequency of the tunable filter across a frequency band of the optical signal and monitoring the optical power as a function of the tuning frequency in combination with the other limitations of claim 1.

Claims 2-4 and 6-15 depend from claim 1.

The prior art of record fails to disclose or reasonably suggest all the limitations recited in claim 16. Specifically, the prior art of record fails to disclose a method of monitoring an optical signal comprising the steps of filtering a tapped portion of the

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optical signal at a predetermined tuning frequency using a frequency tunable filter to provide thereby a first filtered optical signal; determining the power of the second filtered optical signal as a function of the tuning frequency of the tunable filter and repeating steps (a) through (c) throughout a frequency band of the optical signal to determine an optical spectrum of the optical signal in combination with the other limitations of claim 16.

The prior art of record fails to disclose or reasonably suggest all the limitations recited in claim 17. Specifically, the prior art of record fails to disclose an optical monitor comprising a first means for tapping a portion of an optical signal; a frequency tunable means for filtering a tapped portion of an optical signal at a predetermined frequency to provide thereby a first filtered optical signal and a fourth means for scanning the tuning frequency of the tunable filter across a frequency band of the optical signal and monitoring the optical power as a function of the tuning frequency in combination with the other limitations of claim 17.

Claim 19 depends from claim 17.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JD

September 27, 2006


JENNIFER DOAN
PRIMARY EXAMINER